

“(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

“(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

“(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

“(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

“(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

“(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

“(i) promote healthy competition among sea grant colleges and institutes;

“(ii) encourage successful implementation of sea grant programs; and

“(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

“(C) ensure compliance with the guidelines for merit review under subsection (c)(2).”

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

“(a) DESIGNATION.—

“(1) A sea grant college or sea grant institute shall meet the following qualifications—

“(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

“(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

“(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

“(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

“(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

“(F) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

“(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

“(A) meets the qualifications in paragraph (1); and

“(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

“(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

“(A) meets the qualifications in paragraph (1); and

“(B) maintains a program which includes, at a minimum, research and advisory services.

“(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

“(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

“(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

“(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

“(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.”

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended by striking the second sentence.

(b) Section 209(b) (33 U.S.C. 1128(b)) is amended—

(1) by striking “The Panel” and inserting “(b) DUTIES.—The panel”;

(2) by striking “and section 3 of the Sea Grant College Program Improvement Act of 1976” in paragraph (1); and

(3) by striking “regional consortia” in paragraph (3) and inserting “institutes”.

(c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking “college, sea grant regional consortium, or sea grant program” and inserting “college or sea grant institute”; and

(2) by striking paragraph (5)(A) and inserting the following:

“(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

“(A) \$56,000,000 for fiscal year 1999;

“(B) \$57,000,000 for fiscal year 2000;

“(C) \$58,000,000 for fiscal year 2001;

“(D) \$59,000,000 for fiscal year 2002; and

“(E) \$60,000,000 for fiscal year 2003.

“(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

“(A) up to \$2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

“(B) up to \$3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

“(C) up to \$3,000,000 may be made available for competitive grants for university research on *Pfiesteria piscicida* and other harmful algal blooms.”

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as follows:

“(b) PROGRAM ELEMENTS.—

“(1) LIMITATION.—No more than 5 percent of the lesser of—

“(A) the amount authorized to be appropriated; or

“(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

“(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(d) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.”

SEC. 10. ADMINISTRATIVE LAW JUDGES.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

Mr. COVERDELL. Mr. President, I move the Senate concur in the amendment of the House.

The motion was agreed to.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE TO ACCOMPANY H.R. 2631

Mr. COVERDELL. Mr. President, I ask unanimous consent that at 11:30 a.m. on Wednesday, February 25, the Senate proceed to the consideration of the veto message to accompany H.R. 2631, the Military Construction Appropriations bill. I further ask unanimous consent that there be one hour for debate on the message, equally divided between the chairman and the ranking Member, with an additional hour under the control of Senator MCCAIN. I further ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the veto message with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE REPORTED ITEMS ON THURSDAY, FEBRUARY 19

Mr. COVERDELL. Mr. President, I ask unanimous consent that on Thursday, February 19, committees have

from the hours of 10 a.m. to 3 p.m. in order to file legislative or executive reported items with the exception of governmental affairs regarding the special investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. COVERDELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2472) entitled "An Act to extend certain programs under the Energy Policy and Conservation Act.", with the following amendment:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking "1997" and inserting in lieu thereof "1998";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998".

AMENDMENT NO. 1645

(Purpose: To extend certain programs under the Energy Policy and Conservation Act, and for other purposes)

Mr. COVERDELL. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. MURKOWSKI, proposes an amendment numbered 1645.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

"SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

"The Energy Policy and Conservation Act is amended—

"(1) in section 166 (42 U.S.C. 6246) by striking '1997' and inserting in lieu thereof '1999';

"(2) in section 181 (42 U.S.C. 6251) by striking '1997' both places it appears and inserting in lieu thereof '1999';

"(3) by striking 'section 252(l)(1)' in section 251(e)(1) (42 U.S.C. 627(e)(1)) and inserting 'section 252(k)(1)';

"(4) in section 42 U.S.C. 6272—

"(A) in subsection (a)(1) and (b), by striking 'allocation and information provisions of the international energy program' and inserting 'international emergency response provisions';

"(B) in subsection (d)(3), by striking 'known' and inserting after 'circumstances' 'known at the time of approval';

"(C) in subsection (e)(2) by striking 'shall' and inserting 'may';

"(D) in subsection (f)(2) by inserting 'voluntary agreement or' after 'approved';

"(E) by amending subsection (h) to read as follows—

"(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

"(1) the international energy program, or

"(2) any allocation, price control, or similar program with respect to petroleum products under this Act.;

"(F) in subsection (k) by amending paragraph (2) to read as follows—

"(2) The term 'international emergency response provisions' means—

"(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

"(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

"(i) the coordination drawdown of stocks of petroleum products held or controlled by governments; and

"(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.;

"(G) by amending subsection (l) to read as follows—

"(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.;

and

"(5) in section 281 (42 U.S.C. 6285) by striking '1997' both places it appears and inserting in lieu thereof '1999'.

"(6) at the end of section 154 by adding the following new subsection:

"(f)(1) The drawdown and distribution of petroleum products from Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawdown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

"(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no request for funds is made, the Secretary shall provide a written explanation of the reason therefore.;"

Mr. MURKOWSKI. Mr. President, this bill should have been the easiest thing we did this Congress. The Senate passed legislation on this issue by unanimous consent twice last year. This bill contains nothing less than our Nation's energy security insurance policy. This bill authorizes two vital energy security measures: the Strategic Petroleum Reserve and U.S. participation in the International Energy Agency.

Both of these authorities have expired. At this moment, sabers are rattling in the Gulf. Very soon, there may be more than sabers rattling. As I speak, more American troops are headed to the Middle East. We owe it to our soldiers, and the Nation's civilian consumers, to do everything we can to en-

sure that our energy insurance policy is in effect.

The House bill before us, H.R. 2472, would provide a simple extension of these authorities through September of this year. However, this is not enough to ensure our Nation's energy security. We must change the antitrust exemption in EPCA to comply with current IEA policy. The IEA changed its emergency response policy at our request, switching from command-and-control measures to more market-oriented coordinated stockdraw procedures. However, our laws haven't kept up.

Right now, our U.S. oil companies don't have any assurance that their attempts to cooperate with the IEA and our government in a crises won't be a violation of antitrust laws. The IEA's efforts to respond to a crisis will be critically impaired if it can't coordinate with U.S. oil companies. Our oil companies want to cooperate with our government and the IEA and strongly support this amendment.

We also need to amend H.R. 2472 to extend the authorization beyond September. For every year in recent memory, we have authorized this Act on a year-to-year basis. Every year, we face a potential crises when these authorities go unrenewed until the very end of the Congress. The provisions of this bill are not controversial. However, there are those who see any important bill as leverage.

This year, we are on the edge of a real crises. We have ongoing military action in the Gulf, and no clear authority to respond to oil supply shortages. Playing political games with this bill has always been irresponsible; now it is downright dangerous. In the future, the only way to avoid the annual crisis is to renew EPCA for more than one year. I am disappointed that we can't do that now. But for now, we must avert the immediate crisis.

I have tried to address concerns about the future of the SPR. Like many of you, I am dismayed by the recent use of the SPR as a "piggy bank". In 1995, DOE proposed the sale of oil to pay for repairs and upkeep, opening the floodgates to continued sales of oil for budget-balancing purposes. So far, we've lost the American taxpayer over half a billion dollars. Buying high and selling low never makes sense. We're like the man in the old joke who was buying high and selling low who claimed that "he would make it up on volume." I am pleased that President's budget does not propose oil sales. I hope we have broken the habit of selling SPR oil forever.

We have already invested a great deal of taxpayer dollars in the SPR. We proved during the Persian Gulf War that the stabilizing effect of an SPR drawdown far outstrips the volume of oil sold. The simple fact that the SPR is available can have a calming influence on oil markets. The oil is there, waiting to dampen the effects of an energy emergency on our economy. However, if we don't ensure that there is